

REMARKS

Provisional election

Applicants elect with traverse Group I (claims 1-10).

The examiner stated that under PCT Rule 13.2, Groups I-III lack the same or corresponding special technical features for the following reasons: The inventions are united in that the method and apparatus of Group I can be used to make the product of Group II, and the product of group II can be used in the method of Group III. The examiner also stated that as the claimed product does not represent a contribution over the prior art, the groups lack a unifying special technical feature and are not so linked as to form a single inventive concept.

Applicants disagree. It is an object of the present invention to provide a process for the preparation of unsaturated fatty acids using gene which encode, for example, desaturase enzymes and which are involved in the synthesis of polyunsaturated fatty acids in the seeds of an oil crop, thus increasing the content of polyunsaturated fatty acids. Applicants have found that this object is achieved by a process for the preparation of unsaturated fatty acids, which comprises introducing, into an organism, at least one isolated nucleic acid sequence encoding a polypeptide having $\Delta 6$ -desaturase activity. The special technical feature is SEQ ID NO: 1 and its derivatives.

Applicants therefore believe unity of invention is present among Groups I, II and III. Applicants respectfully request that the restriction requirement be withdrawn.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit

HEINZ et al., Ser. No. 10,019,048

any excess fees to such account.

Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Dan Kim", written in a cursive style.

Daniel S. Kim
Reg. No. 51,877

1350 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100
DSK/